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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,788	12/03/2001	Shoji Futamura	70367	5799
23872	7590	11/19/2003	EXAMINER	
MCGLEW & TUTTLE, PC SCARBOROUGH STATION SCARBOROUGH, NY 10510			JONES, DAVID B	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 11/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,788

Applicant(s)

FUTAMURA ET AL.

Examiner

David B Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5&6. 6) ☐ Other: .

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DETAILED ACTION

1. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "wherein" clause of claim 1, starting on line 10, is confusing and hard to follow. It is not clear how the various sliders are moved toward the workpiece with respect to the sensing of position thereof.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 61-106,221 alone or further in view of Minagawa et al. (filed 10/25/200). JP '221 teaches the claimed invention including parallel platens (sliders)/dual screw drives with a first screw drive powering a first platen and with a second screw drive being located on the first platen to drive a second platen toward the work located below. Hence JP '221 teaches the claimed invention excepting a position sensor (claim 1) and servo drive (claim 7). Both expedients are well known in the world of machine tools now and at the time of the invention to automate and give precise results to the press. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the press to JP '221 a sensor device so as to precisely sense the location of the platens and to drive them to their final destination and to utilize the well known

expedient of servo motors so as to get a precise turn of the screw drives to their desired position to arrive at the desired precision result. Moreover Minagawa et al. teaches such expedients to be old, see Fig. 2. It would have been obvious to the skilled artisan at the time of the invention to have provided the control of the device to JP '221 in a fashion, as shown by Minagawa et al., to provide for the fine control of the device and the precision pressing of the workpiece. Regarding claim 5, the type of screw drive (ball screw) used in the press would have been an obvious choice of well-known screw drives in the art, rendering no new or unobvious result.

3. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6-54498 in view of Minagawa et al. (filed 10/25/200). JP '498 teaches the claimed invention including parallel platens (sliders) with both crank and screw drives. Including a crank drive 25/27 powering a first platen 35/35 and with a screw drive 51 being located on the first platen to drive a second platen 11 toward the work located below. Hence JP '498 teaches the claimed invention excepting a position sensor (claim 1) and servo drive (claim 7) for the screw drive. Both expedients are well known in the world of machine tools now and at the time of the invention to automate and give precise results to the press. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the press to JP '498 a sensor device so as to sense the location of the platens and precisely drive the second platen to its final destination and to further utilize the well known expedient of a servo motor to get a precise turn of the screw drive to its desired position to arrive at a desired precision result. Moreover Minagawa et al. teaches such expedients to be old, see Fig. 2. It

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would have been obvious to the skilled artisan at the time of the invention to have provided the control of the device to JP '498 in a fashion, as shown by Minagawa et al., to provide for the fine control of the device and the precision pressing of the workpiece.


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ



DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725